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LETTER DATED 17 JANUARY 1994 FROM THE REPRESENTATIVES OF FRANCE, KUWAIT, SAUDI ARABIA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have the honour to bring to your attention, for the information of the members of the Security Council, the minutes of consultations held in Geneva between our Governments and the International Committee of the Red Cross (ICRC) on 29 July and 19 November 1993.

In paragraph 30 of its resolution 687 (1991), the Security Council decided that Iraq should extend all necessary cooperation to ICRC to facilitate the repatriation of all Kuwaiti and third-country nationals.

The Government of Iraq has refused to attend meetings of the Tripartite Commission, made up of ICRC, Iraq and our Governments. So far the Government of Iraq has not replied to requests for information about 609 individuals (mostly Kuwaitis, but also other nationals) reported missing by Kuwait and in respect of whom files have been forwarded to the Government of Iraq. This unacceptable failure to cooperate with ICRC clearly represents non-compliance with the relevant provisions of resolution 687 (1991).

Our Governments call on the Government of Iraq to cooperate with ICRC, in line with its obligations.

We should be most grateful if you would have the text of this letter and its annexes circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE

(Signed) Nasser S. B. AL-SABEEH

(Signed) Gaafar ALLAGANY

(Signed) David HANNAY

(Signed) Madeleine Korbel ALBRIGHT

Annex I

[Original: English]

Minutes of consultation among members of the Coalition and the International Committee of the Red Cross, held in Geneva on 29 July 1993

At the request of the Government of Kuwait, the International Committee of the Red Cross (ICRC) invited members of the Tripartite Commission to a meeting in Geneva on 29 July 1993, to review progress achieved since the last meeting of the Commission in October 1991. The meeting was attended by representatives of France, Kuwait, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

The ICRC Delegate General for the Middle East and North Africa opened the session with a report on progress achieved since the ICRC report of 30 April 1992.

Noting the absence of a delegation from Iraq, the Delegate General proposed adjournment of the meeting. He then participated in consultations with the members of the Coalition on issues remaining from the October 1991 meeting, as well as steps to be taken to resolve outstanding issues.

The delegation of Kuwait opened the Coalition presentation with a prepared statement. The representative of the United Kingdom presented a joint statement on behalf of the Coalition. Other Coalition members made brief remarks. All Coalition members expressed continued confidence in the role of ICRC in support of the work of the Tripartite Commission and requested ICRC to readdress with Iraq Coalition demands still pending from the October 1991 meeting. In response to a Coalition request for ICRC to reapproach Iraq for unrestricted access to Iraqi detention centres, the Delegate General reiterated ICRC's position under the Geneva Conventions on visits to Iraqi places of detention in the search for missing persons resulting from the Gulf war.

Discussions were held on the lack of Iraqi response to the individual files that have been sent to them for tracing, on the status of ICRC access to Iraqi places of detention in the search for missing persons and on the need to schedule the next meeting of the Tripartite Commission.

Coalition members requested ICRC to reconvene the Commission and agreed to provide suggestions for a draft agenda. To this end, ICRC will approach the Government of Iraq to establish a date, no later than 15 October 1993, for the next meeting. By that time, the Coalition expects the Government of Iraq to have provided substantive answers to the individual tracing requests submitted by the Government of Kuwait and the Government of Saudi Arabia.

In addition, the United States noted that it still awaited a response to its request of October 1991 concerning the return of the mortal remains of two United States servicemen. The United States also provided ICRC with specific

information on the location of breaching operations conducted by Coalition ground forces, which had earlier been requested by the Iraqi authorities.

(Signed) Mr. Jacques MANENT
French Republic

(Signed) H.E. Mohammad Omar MADANI
Kingdom of Saudi Arabia

(Signed) H.E. Sheikh Salem AL-SABAH
State of Kuwait

(Signed) H.E. Patrick NIXON
United Kingdom of Great Britain
and Northern Ireland

(Signed) H.E. Edward GNEHM
United States of America

Annex II

[Original: English]

Minutes of consultation among members of the Coalition and the International Committee of the Red Cross, held in Geneva on 19 November 1993

At the request of the Government of Kuwait, ICRC invited members of the Tripartite Commission to a meeting in Geneva on 19 November 1993 to review progress achieved since the last meeting of the Commission in July 1993. The meeting was attended by representatives of France, Kuwait, Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

The ICRC Delegate General for the Middle East and North Africa opened the session with a report on the activities of ICRC since the meeting of July 1993.

The ICRC Delegate General reported that, in response to the request of the Commission at its meeting in July, ICRC had approached the Government of Iraq with a request to name a date, no later than 15 October, for a further meeting of the Commission. ICRC had also conveyed to the Government of Iraq the request of the Coalition for it to provide substantive answers to the individual tracing requests submitted by the Governments of Kuwait and Saudi Arabia. The Government of Iraq had informed ICRC that it would not attend a meeting of the Commission. In addition, the Government of Iraq had not provided any substantive answers on the individual case files.

The delegation of Kuwait opened the Coalition presentation with a prepared statement. The representative of the United States presented a joint statement on behalf of the Coalition. Other Coalition members made brief remarks. All Coalition members deplored the refusal of the Government of Iraq to attend the meeting of the Commission and the fact that no answers had been provided on the individual files.

All Coalition members expressed continued confidence in the role of ICRC in support of the work of the Tripartite Commission and accepted the offer of ICRC to use its good offices and relations with the Government of the Republic of Iraq to seek ways that would bring about progress on the outstanding issues.

The Coalition members encouraged ICRC to report on progress achieved within a period of six months.

(Signed) Mr. Jacques MANENT
French Republic

(Signed) Mr. Khalid AL-ANAZY
Kingdom of Saudi Arabia

(Signed) H.E. Sheikh Salem AL-SABAH
State of Kuwait

(Signed) H.E. Patrick NIXON
United Kingdom of Great Britain
and Northern Ireland

(Signed) H.E. Edward GNEHM
United States of America